

Message Text

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PAGE 01 STATE 231475

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INFO OCT-01 ISO-00 /001 R

DRAFTED BY SCA;SCS;TGUSTAFSON:JAS

APPROVED BY SCA;SCS;NLCANSLER

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P 261712Z NOV 73

FM SECSTATE WASHDC

TO AMCONSUL MUNICH PRIORITY

UNCLAS STATE 231475

E.O. 11652: N/A

TAGS GEN, GW (DEITRICK, WILLIAM E.)

SUBJECT:NOTARIALS/DEPOSITIONS

REF: MUNICH 2063; 7FAM 840

REF. MESSAGE REFLECTS MISUNDERSTANDING OF CONSULAR DEPOSITION FUNCTION, WHICH NOT AN OPTIONAL OR DISCRETIONARY SERVICE, BUT ONE TO BE PERFORMED UPON REQUEST, SUBJECT TO REASONABLE ADVANCE NOTICE. IN ABSENCE OF UNUSUAL CIRCUMSTANCES, CONSULATE REQUIRED MAKE AVAILABLE CONSULAR OFFICER TO CONDUCT DEPOSITION HEARING ACCORDING 7 FAM 842.

ATTORNEY DEITRICK STATES DEPOSITION WILL BE TAKEN BY COMMISSION. DEPARTMENT HAS ADVISED THAT COMMISSION SHOULD BE ADDRESSED TO "ANY AMERICAN CONSUL OR VICE CONSUL AT MUNICH." RESPONSIBLE OFFICER SHOULD REVIEW 7 FAM 841.4 AND 841.5 FOR DEFINITIONS OF NOTICE AND COMMISSION.

DEPOSITIONS NORMALLY TAKEN ON POST PREMISES, UNLESS PARTIES REQUEST ALTERNATE ARRANGEMENTS, FOR WHICH ADDITIONAL CHARGE MAY BE APPROPRIATE UNDER ITEM 85 OF TARIFF OF FEES. IF DEPOSITION TAKEN OUTSIDE OF CONSULATE BY MUTUAL AGREEMENT, NO ADDITIONAL CHARGE APPROPRIATE. IN THIS CASE, DEITRICK WOULD PREFER PROCEEDINGS BE CONDUCTED AT CONSULATE.

IF CONSULATE UNABLE PROVIDE STENOGRAPHIC AND TRANSLATION ASSISTANCE UNDER ITEM 65 OF TARIFF OF FEES, PARTIES MAY BE UNCLASSIFIED

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ADVISED TO RETAIN COMMERCIAL SERVICES. CONSULATE SHOULD
ASSIST IN ARRANGEMENTS UPON RECEIPT OF DEPOSIT.
DEITRICK HAS BEEN ADVISED THAT FIFTY DOLLAR DEPOSIT FOR
EACH DEPOSITION IS APPROPRIATE.

CONSULATE REQUESTED CONFIRM RECEIPT AND UNDERSTANDING THIS
MESSAGE SO THAT DEPARTMENT MAY FULLY ADVISE DEITRICK.
ALSO, PLEASE PROVIDE COPY JUNE 18 LETTER TO SCA/SCS.
KISSINGER

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Message Attributes

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Disposition Event:
Disposition History: n/a
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To: MUNICH
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